**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.22185 OF 2006

DATED 01ST DECEMBER, 2006

BETWEEN:

K.Jai Kumar Goud

… Petitioner

AND

The Mandal Revenue Officer, Balnagar Mandal, Ranga Reddy District and another.

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.22185 OF 2006

**ORDER:**

The petitioner herein purchased plot marked as House No.1-2-29/12/3 admeasuring 240 square yards in survey No.131/1 of Nandamurinagar, Old Hydernagar village, Balanagar Mandal, Ranga Reddy District under registered sale deed, dated 06.04.2006. By the time he purchased the property, his vendors obtained building permission under A.P.Municipalities Act, 1965 from the Commissioner, Kukatpally Municipality on 03.03.2006. When the petitioner was proceeding with the construction in accordance with sanctioned plan on 09.10.2006, the Mandal Revenue Officer (MRO) stopped construction on an allegation that the land purchased by the petitioner is Government property. The petitioner was not put on any notice nor was given any communication to that effect. Petitioner, therefore, filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in obstructing the construction activity taken by the petitioner in plot/house No.1-2-29/12/3 in survey No.131/1 as illegal and arbitrary. The petitioner also seeks a consequential direction to the respondents to forbear in interfering with the construction activity.

At the stage of Admission itself, the first respondent has filed counter affidavit. The title of the petitioner is denied. It is stated that the land totally admeasuring Ac.2.27 guntas in survey No.131/1 of Hydernagar village is registered in the revenue records as Sarkari (Government land), and therefore, Additional Mandal Revenue Inspector having noticed excavation on the ground stopped the construction taken by the petitioner. It is also stated that there is no house existing in the plot. It is also averred that the Commissioner, Kukatpally Municipality is being addressed to cancel building permission in respect of the Government land. The MRO also refers to 120 illegal structures that have come up in survey No.131 and applications made by 18 persons seeking regularization of their occupation as per G.O.Ms.No.1601, dated 29.08.2005. The MRO, however, does not deny the allegation of the petitioner that no notice was issued to the petitioner nor any action was taken as per the Rules.

After hearing the learned counsel for the petitioner and the

learned Assistant Government Pleader for Revenue (General-T), this Court is convinced that the action taken by the first respondent or the Additional Mandal Revenue Inspector in stopping the construction taken up by the petitioner pursuant to the sanction granted by the Kukatpally Municipality vide proceedings, dated 03.03.2006 cannot be held to be valid. Even if the land is claimed by the Government, it is open to the MRO to take necessary action either as per A.P.Land Encroachment Act, 1905 or A.P.Land Grabbing (Prohibition) Act, 1982, but the MRO cannot usurp the powers in A.P.Municipalities Act, 1965 and direct the petitioner to stop construction. The MRO is taking necessary steps to address the Commissioner, Kukatpally Municipality, who may take necessary action as per the Municipalities Act. This Court, however, hastens to add that if ultimately the building sanction given to the petitioner's vendors is withdrawn, the petitioner shall not claim equities in case the land is resumed by the Government on an allegation that the land is a Government land.

The writ petition, with the above observations, is disposed of. No costs.

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**(V.V.S.RAO,J)**

01.12.2006.
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